

FILED
JAMES BONINI
CLERK

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF OHIO
WESTERN DISTRICT

04 APR 28 PM 3:02

UNITED STATES OF AMERICA

CASE NO. C-1-01-714

Plaintiff,

JUDGE WEBER

V.

George J. Fiorini, II,

Defendant.

MOTION TO WITHDRAW

AS TRIAL COUNSEL (03/15/04)

George J. Fiorini, II, Response
To MOTION: Statement Hearing

Affidavit of George J. Fiorini, II

Being duly sworn, affiant states:

CLAIM, FOR THE TRUTH OF THE OATH IS WITH THE CLAIM OF THE FACTS

NOW COMES George J. Fiorini, II, in propria persona.

Your Honor, would you want an attorney that is not in your best interest?

The last meeting I had with Mr. Arenstein was in your Court room on January 23, 2004.

The last conversation I had with Mr. Arenstein was with you, Your Honor, on the four-way telephone conversation, January 28, 2004.

Your Honor, would you want an attorney to ignore your affidavit that stated there has never been a meeting of the minds? On March 1, 2004, I received my first phone message from Mr. Arenstein, since the time I filed my affidavit on February 25, 2004. On March 1, 2004, I talked with my U.S. Pretrial Officer Mr. Morris. I informed him that I did receive a phone message from Mr. Arenstein, he wanted to meet with me one day soon. I told Mr. Morris I would call Mr. Arenstein one day soon to meet with him. Mr. Morris knew that I was waiting on a response from Mr. Arenstein about my affidavit and a response from the Prosecutor response to them.

Your Honor, would you want an attorney that would file motions without your

knowledge or consent? During the week of March 1, I contacted the Clerk of Court to inquire of any filings. I was informed there were none. To my surprise The Cincinnati Post reported that I filed motions. I believed they were wrong because I was informed no filings have been made. I contacted the Clerk of Court March 8, 2004 to inquire of any filings. I was informed again that no filings have been made. On March 10, 2004 I signed to receive certified mail from Mr. Arenstein. The bottom of his letter wrote Encl., yet there were no addition findings in the envelope. I contacted the Clerk of Court on March 10, 2004. I was confused when they reported that filings were filed on March 1, 2004. When I questioned the Clerk of Court about the fact of my inquire of filings since March 1, they had no answer for me. I was shocked to discover all that was filed without my knowledge or consent by Mr. Arenstein. If these 57 papers of filings were to be Encl. in his certified letter to me, then his postage cost would have been \$ 6.82 rather then the lesser amount \$ 4.42 stamped on his envelope, according to U.S. Postal Officials.

(EXHIBIT A)

Your Honor, would you want an attorney who claims to leave you many messages and accuses you of not returning any of them? I informed Mr. Morris of Mr. Arenstein wanting to meet after the fact he filed all these motions unbeknownst to me. On March 12, 2004, I met with the Clerk of Court to receive all that was filed. They had trouble pulling it all up for me and asked if I would return the following week. I called Mr. Arenstein on March 15, 2004 and left word to meet with him one day that week. Mr. Arenstein returned my phone call on March 16, 2004, and left me a message to call him back to plan a meeting time one day that week, and also to let me know that he filed a motion to withdraw as counsel. I called back on March 16 and was informed by his secretary that Mr. Arenstein was still in a trial meeting, so she connected me to his voice mail, the time was about 4:40 PM. I left a message for Mr. Arenstein that I would meet with him anytime that is best for him , as of this date, I have never heard back from him. I shared this with Mr. Morris to keep him updated.

Comes this day, George J. Fiorini, II, in propria persona, not an expert in the law, however, I do know right from wrong. If there is any human being damaged by any statements herein, if he will inform me by facts, I will sincerely make every effort to amend my ways. I hereby and herein reserve the right to amend and make amendment to this document as necessary in order that the truth may be ascertained and proceedings justly determined. If the parties given notice by means of this document have information that would controvert and overcome this Affidavit, please advise me IN WRITTEN AFFIDAVIT FORM within ten (10) days from receipt hereof, providing me with your counter affidavit, proving with particularity by stating all requisite actual evidentiary fact and all requisite actual law, and not merely the ultimate facts or conclusions of law, that this Affidavit Statement is substantially and materially false sufficiently to change materially my status and factual declarations. Your silence stands as consent to, and tacit approval of, the factual declarations herein being established as fact as a matter of law. May the will of our Heavenly Father, through the power and authority of the blood of His Son be done on Earth as it is in Heaven.

BE IT ACKNOWLEDGED, that George J. Fiorini, II, the Undersigned deponent, being of legal age, hereby depose and say under oath as follows (or as set forth on the signed addendum annexed and incorporated herein):

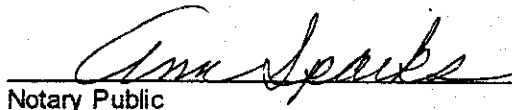
Witness my hand under the penalties of perjury this first day of April, 2004

State of Ohio

County of Hamilton



Then personally appeared Who acknowledged the foregoing, before me.

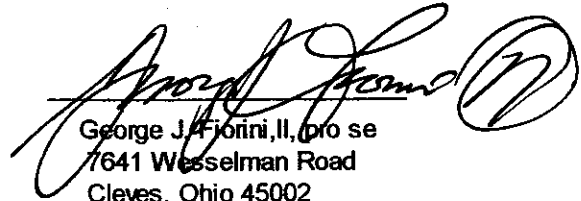

Notary Public

My Commission Expires:

ANN SPARKS
NOTARY PUBLIC, STATE OF OHIO
MY COMMISSION EXPIRES 12-19-07

CERTIFICATE OF SERVICE

I hereby certify that a copy of the foregoing has been served upon
Judge Weber and Daniel J. Pieschel this ~~20th~~ day of April 2004.



George J. Fiorini, II, pro se
7641 Wesselman Road
Cleveland, Ohio 44102

Ph. (513) 353-9797
Fax (513) 353-9747

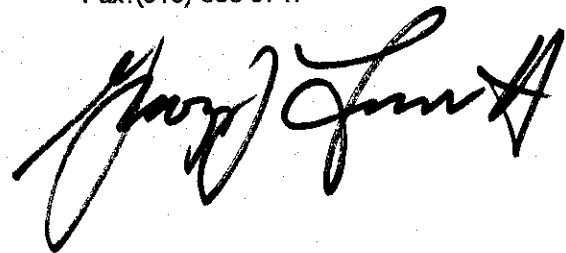


EXHIBIT A

LAW OFFICES

ARENSTEIN & GALLAGHER

HAL R. ARENSTEIN
WILLIAM R. GALLAGHER*

THE CITADEL
114 EAST EIGHTH STREET
CINCINNATI, OHIO 45202

TELEPHONE (513) 651-5666
FACSIMILE (513) 651-5688
*ALSO ADMITTED IN ILLINOIS

March 8, 2004

George Fiorini
7641 Wesselman Road
Clevs, Ohio 45002

RE: *U.S.A. v. Fiorini*

CERTIFIED MAIL 7002 3150 0001 1026 5353

Dear George:

I called you last week to schedule an appointment to meet and discuss your case. I did not hear back from you. I also asked Todd Morris to call you to inform you that I wanted to see you. I still have not received a call back from you.

Last week, you filed with the Court more *pro se* filings. To say the least, your filings are bizarre and nonsensical. I have previously advised you **NOT** to file any documents with Court, yet you persist in doing so. If you desire to retain your own counsel, I urge you to do so. It appears that it is your desire to represent yourself, however, I strongly urge you not to follow that course, as it will only lead to further disaster.

To date, you have not listened to the advice and counsel of any of your attorneys, some hired privately by you, others appointed. You need to realize that the charges you face are very serious, and I believe the evidence against you is overwhelming. It is time for us to sit down and seriously discuss how to resolve this matter in attempt to salvage your future.

Please contact me immediately upon receipt of this letter.

Very truly yours,


Hal R. Arenstein

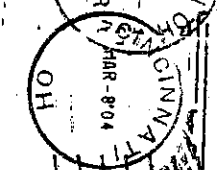
HRA/pa
Encl.

ARENSTEIN & GALLAGHER
ATTORNEYS AT LAW

THE CITADEL
114 EAST EIGHTH STREET
CINCINNATI, OHIO 45202



7002 3150 0001 1025 5353



PR METER
504463

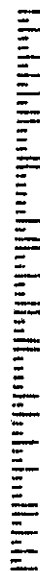
U.S. POSTAGE

George Fiorini
7641 Wesselman Road
Clevess, Ohio 45002

3-10

RETURN RECEIPT REQUESTED

95002+8603 02



Post. 2.47
cert 2.30
1.75
P.R. 6.82

